

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patrice R. Calhoun
Serial No.: 10/611,521
Filed: June 30, 2003
Group No.: 2416
Examiner: Sai Ming Chan
Confirmation No.: 4437
For: DYNAMIC QoS CONFIGURATION BASED ON
TRANSPARENT PROCESSING OF SESSION INITIATION
MESSAGES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Mark Gorman, Assistant Secretary of Cisco Systems, Inc., represent that Cisco Systems, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/611,521, filed on June 30, 2003, for *Dynamic QoS Configuration Based on Transparent Processing of Session Initiation Messages*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office as follows:

From: Patrice Calhoun
To: Airspace, Inc.
Assignment recorded at Reel 014281, Frame 0772;

From: Airspace, Inc.
To: Cisco Systems, Inc.
Assignment recorded at Reel 021138, Frame 0063;

and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Cisco Systems, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of U.S. Patent No. 7,539,169 granted May 26, 2009, also assigned to and owned by said CiscoSystems, Inc. as indicated by the Assignment Records of the U.S. Patent and Trademark Office as follows:

From: Robert B. O'Hara, Jr. and Patrice Calhoun
To: Airspace, Inc.
Assignment recorded at Reel 014698, Frame 0213;

From: Airspace, Inc.
To: Cisco Systems, Inc.
Assignment recorded at Reel 021138, Frame 0063;

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 7,539,169, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 7,539,169, in the event that one or more of the following occurs: U.S. Patent No. 7,539,169 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

ATTORNEY DOCKET NUMBER
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PATENT
10/611,521

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The \$140.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

CISCO SYSTEMS, INC.

07/23/09
Date


Mark Gorman
Assistant Secretary